



W.P(MD)No.17584 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.17584 of 2025
and
WMP (MD) No.13425 of 2025

R.Ananthi

... Petitioner(s)

vs.

The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the respondent passed in Proc. No. TNSTC/KUM/TRY/DS/SM1/3658/2019 dated 24.04.2019, quash the same and directing the respondent to revise / re-fix the scale of pay of the petitioner's deceased husband/the retired employee (Late) V.Rajasekaran Staff No.7563 w.e.f. 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and consequently to pay him difference / arrears of terminal benefits namely Gratuity and Encashment of Leave, after revising the same based on such re-fixed scale of pay payable to him on the month of his retirement, together with 18

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percent interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr. S. Arunachalam
For Respondent : Mr.K.Ramaiah
TNSTC Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned proceedings dated 24.04.2019, by which the respondent declined to revise the pay difference based on the Settlement under Section 12(3) of 'the Industrial Dispute Act, 1947' (hereinafter referred to as 'ID Act' for brevity) and consequently, to direct the the respondent to revise / re-fix the petitioner's husband scale of pay with effect from 01.09.2016 to till his retirement, based on the wage settlement dated 04.01.2018 and to pay him the difference / arrears of terminal benefits, namely, Gratuity and Encashment of Leave, after such revision, calculate on the re-fixed pay scale as applicable in the month of his retirement, together with 18 percent interest per annum, within a time frame as may be fixed by this Court.

2. The case of the petitioner is that her husband is a retired Transport Corporation employee, who superannuated on 31.05.2017, prior to the Settlement under Section 12(3) of the ID Act made on 04.01.2018. The learned counsel for



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the petitioner contends that the petitioner's deceased husband is entitled to a revision of pay with effect from 01.09.2016 to 31.05.2017. However, without extending the benefits to him, the claim was rejected by the impugned proceedings dated 24.04.2019. Aggrieved by the same, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner would further submit that the issue arising in the present writ petition is no longer *res integra* as it has already been decided by this Court in W.P.(MD) No.27525 of 2022 and batch, by order dated 21.12.2022. Therefore, the similar relief ought to have been extended to the petitioner's husband as well and accordingly, he prayed to allow the writ petition.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondent and perused the materials available on record.

5. The facts in the present writ petition are not disputed. Admittedly, the petitioner's husband is a retired Transport Corporation employee, who



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superannuated on 31.05.2017, prior to the Settlement made under Section 12(3) of the ID Act, on 04.01.2018. The petitioner has made a representation seeking extension of the benefits arising out of the said Settlement. It is brought to the notice of this Court that a similar issue has already been decided by this Court in W.P.(MD) No.27525 of 2022 and batch, by order dated 21.12.2022, wherein this Court held as under:

6. In order to resolve the dispute, in the settlement under Section 12(3) of the Industrial Disputes Act, 1947, dated 04.01.2018, it is stated as follows:

“ஒப்பந்த சரத்துக்கள் (Terms of Settlement)

1) அடிப்படை ஊதிய நிர்ணயம்

தமிழ்நாடு அரசு போக்குவரத்துக் கழகங்களில் 01.09.2016 அன்று பணிபுரியும் நிரந்தர தொழிலாளர்களுக்கு (Permanent Employees as on 31.08.2016) கீழ்க்கண்டவாறு அடிப்படை ஊதியம் 01.09.2016 முதல் நிர்ணயம் செய்யப்படும்.

அ) 31.08.2016 அன்று அவர்கள் பெற்று வந்த அடிப்படை ஊதியம் (Basic Pay) மற்றும் தரஊதியத்தின் (Grade Pay) கூட்டுத் தொகையினை கணக்கிட்டு இதனை 2.44 என்ற காரணியால் பெருக்கி வரும் தொகை அடிப்படை ஊதியமாக 01.09.2016 முதல் நிர்ணயம் செய்யப்படும் (Rounded Off to Rs.100/-) இதன்படி 01.09.2016 அன்று பெற்று வந்த 132 % அகவிளைவ்படி தொகையில் 125 % அகவிளைவ்படி அடிப்படை ஊதியத்துடன் இணைக்கப்பட்டுள்ளது. 01.09.2018 முதல் தரஊதியம் அடிப்படை சம்பளத்தில் இணைக்கப்பட்டதால் தனியாக வழங்கப்படமாட்டாது. புதிய சம்பள அடிப்படையிலான Pay Scale விபரம் இணைப்பு 1-ல் தரப்பட்டுள்ளது.”

6. A perusal of the above decision and the Settlement made under Section 12(3) of ID Act, makes it clear that, as on 01.09.2016, the permanent



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employees of the Transport Corporation are entitled to a revision of the scale of pay in accordance with the said Settlement. The benefits arising from such revision have already been granted by this Court in W.P.(MD) No.27525 of 2022 and batch, by order dated 21.12.2022. Therefore, by applying the ration laid down in the aforesaid decision, this Court directs the respondent to extend the benefit to the petitioner's husband.

7. In the result, the writ petition stands allowed and the impugned order dated 24.04.2019, is hereby set aside. There shall be a direction to the respondent to implement the revised pay as per the Settlement under Section 12(3) of the Industrial Disputes Act, 1947, to the petitioner's husband with interest. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.08.2025

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

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To

The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.



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M.DHANDAPANI,J.

PKN

**ORDER MADE IN
W.P(MD)No.17584 of 2025**

**DATED : 25.08.2025
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